

REPLACEMENT OF CERTAIN COASTAL BARRIER RESOURCES SYSTEM MAPS

JULY 20, 2006.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4165]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4165) to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL-64P, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4165 is to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL-64P.

BACKGROUND AND NEED FOR LEGISLATION

The John H. Chafee Coastal Barrier Resources System is made up of coastal barrier units which are delineated on maps adopted by Congress. These units consist of undeveloped sections of coastal barrier islands and the associated aquatic habitat which lies behind these barriers. The System was created by the Coastal Barrier Resources Act of 1982 (CBRA) and was expanded in the Coastal Barrier Improvement Act of 1990. The System is administered by the U.S. Fish and Wildlife Service of the Department of the Interior. Lands included within the System are not eligible for any federal development assistance, the most notable of which is federal flood insurance.

The Coastal Barrier Resources System was initially comprised of 186 units totaling 666 miles of shoreline and 452,834 acres of undeveloped, unprotected coastal barriers on the Atlantic and Gulf of

Mexico coasts. Except for very minor technical changes to account for natural accretion and erosion, boundaries cannot be adjusted and units cannot be added or deleted from the System unless Congress passes a law adopting revised maps. Today, the entire Coastal Barrier Resources System has 856 units and more than 3 million acres of fastland and associated aquatic habitat.

The 1990 Coastal Barrier Improvement Act added an important new category of units to the System called “Otherwise Protected Areas” (OPAs). These include undeveloped conservation areas such as national wildlife refuges, national parks and seashores, State parks, military bases and conservation lands owned by private organizations. While OPAs remain eligible for a variety of federal financial assistance programs, they are ineligible for participation in the Federal Flood Insurance Program. The 1990 Act created 271 OPAs, comprised of approximately 1,786,000 acres, which more than doubled the amount of undeveloped coastal barrier lands covered under CBRA. When OPAs were included in the System, they were delineated with rudimentary mapping tools based upon pre-existing boundary data. As a result of technological advancements in geographic information systems, databases and digital mapping techniques, OPA boundaries have been shown to have embedded flaws and inaccuracies. The Fish and Wildlife Service continues to uncover cases, like that addressed in H.R. 4165, where OPA boundaries do not coincide with the actual legal conservation land boundaries.

This legislation would remove 48 acres of privately held land from the System. It would specifically modify FL-64P, an “Otherwise Protected Area” unit, so that it encompasses the true boundaries of the underlying Clam Pass Conservation Area, and excludes developed adjacent private land. Prior to its mistaken inclusion in the System in 1990, this private property had been developed with a number of high-rise condominium units that provide housing to hundreds of individuals. These private lands are not only outside of the Clam Pass Conservation Area, they are not inholdings and they were never held for conservation or recreation purposes. The Clam Pass Conservation Area was locally established by elected officials in Collier County, Florida. It appears that when OPA maps were originally drafted, this area was erroneously included because the condominium structures did not appear on the outdated base map. With the enactment of H.R. 4165, these private landowners would be eligible for federal flood insurance.

In addition to correcting this mapping mistake, the legislation would incorporate within the System 65 acres of land that are a part of the Clam Pass Conservation Area and should have been incorporated within FL-64P at the time of designation in 1990. The net effect of this legislation is a net gain of 17 acres to the System.

COMMITTEE ACTION

H.R. 4165 was introduced on October 27, 2005, by Congressman Connie Mack (R-FL). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries and Oceans. On April 6, 2006, the Subcommittee held a hearing on the bill. On June 21, 2006, the Full Resources Committee met to consider the bill. The Subcommittee on Fisheries and Oceans was discharged from further consideration of the bill by

unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, clause 3 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of H.R. 4165 could affect direct spending, but any net change would be "negligible."

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 4165—A bill to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL-64P

H.R. 4165 would update a map of the Coastal Barrier Resources System (CBRS) in Collier County, Florida. CBO estimates that enacting H.R. 4165 would have no significant impact on the federal budget. The bill could affect direct spending, but we expect that any net change would be negligible. Enacting the bill would not affect revenues.

H.R. 4165 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act; the bill could benefit Collier County, Florida.

The bill would revise the CBRS map for the Clam Pass Unit to exclude 48 acres of private land that were erroneously included in the unit and to include 65 acres of county land that are within the Clam Pass Conservation Area. Adding the specified acreage would

enable the owners of condominiums on the property to purchase federal flood insurance. CBO estimates that, relative to current law, implementing H.R. 4165 would increase premium collections of the national flood insurance fund by about \$500,000 annually. Such collections would be partially offset each year by new mandatory spending for underwriting and administrative expenses. In addition, premium collections might be offset in some years by new flood insurance claims.

Finally, adding the county property to the CBRS would make that land eligible for federal conservation assistance, but CBO estimates that such spending, which would be subject to appropriation, would not be insignificant.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

